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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

09/862,636-Conf. #1483

Filing Date

May 22, 2001

First Named Inventor

Ervin Goldfain

Art Unit

2873

Examiner Name

B. N. Thomas

Attorney Docket Number

281\_329.02

**ENCLOSURES (Check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts under  
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☒ After Allowance Communication  
to TC☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please  
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Application Filing (2 pgs),  
Certificate of Express Mailing,  
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

MARJAMA &amp; BILINSKI LLP

Signature

Printed name

George S. Blasiak

Date

May 18, 2007

Reg. No.

37,283

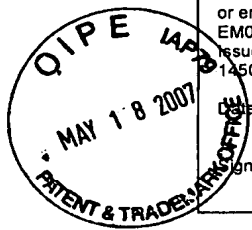
**Transmittal**

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Dated: May 18, 2007

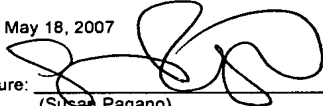
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Dated: May 18, 2007

Signature:   
(Susan Pagano)

Docket No.: 281-329.02  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ervin Goldfain, et al.

Application No.: 09/862,636

Confirmation No.: 1483

Filed: May 22, 2001

Art Unit: 2873

For: Old Title – Eye Viewing Device Comprising  
Eyepiece And Video Capture Optics  
New Title – Eye Viewing Device Comprising  
Video Capture Optics

Examiner: Brandi N. Thomas

### NOTICE OF CONTINUATION APPLICATION FILING

MS Issue Fee  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

### INTRODUCTORY COMMENTS

**Remarks/Arguments** begin on page 2 of this paper.



**REMARKS**

A continuing application (Attorney Docket No. 281-329.02 Con 2) was filed May 18, 2007. Continuing application (Attorney Docket No. 281-329.02 Con 2) is a continuation of U. S. Patent Application No. 09/862,636.

With the present application being set for publication and continuing application (Attorney Docket No. 281-329.02 Con 2) awaiting an initial examination, it is believe that continuing application (Attorney Docket No. 281-329.02 Con 2) could not qualify as a reference against the present application. However, if the issuance of the present application were to become delayed such that the present application issues after continuing application (Attorney Docket No. 281-329.02 Con 2), then continuing application (Attorney Docket No. 281-329.02 Con 2) could qualify as a reference for assertion in an obviousness type double patenting rejection.


Applicants respectfully request the Patent Office to advise the applicants if the issuance of the present application is expected to become delayed such that it could issue after the issuance of continuing application (Attorney Docket No. 281-329.02 Con 2).

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Dated: May 18, 2007

Respectfully submitted,

By 

George S. Blasiak  
Registration No.: 37,283  
MARJAMA & BILINSKI LLP  
250 South Clinton Street  
Suite 300  
Syracuse, New York 13202  
(315) 425-9000  
Customer No. 20874

GSB/bs



Application No. (if known): 09/862,636

Attorney Docket No.: 281-329.02

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